

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LARRY GIBBS, JR.,

Plaintiff,

v.

DR. MARIA FEY et al.,

Defendants.

2:15-cv-01958-GMN-NJK

ORDER

I. DISCUSSION

On March 22, 2016, this Court entered a screening order granting Plaintiff leave to amend. (ECF No. 2 at 8). The screening order stated that, if Plaintiff chose not to file a first amended complaint curing the stated deficiencies of his complaint, the action would proceed against Defendant Zieman for deliberate indifference to serious medical needs only. (*Id.*). On April 18, 2016, Plaintiff notified the Court that he did not want to file an amended complaint but did want to proceed against Defendant Zieman. (ECF No. 3 at 1).

On April 22, 2016, this Court issued an order staying the case for 90 days to give Plaintiff and Defendant Zieman an opportunity to settle their dispute before the filing fee was paid, an answer was filed, or the discovery process began. (ECF No. 4 at 2). The Court directed the Attorney General's Office to notify the Court whether it would enter a limited notice of appearance on behalf of Defendant Zieman for the purpose of settlement. (*Id.* at 3).

On May 13, 2016, the Attorney General's Office informed the Court that it could not make a limited appearance for the purpose of settlement because Defendant Zieman, the only remaining defendant in this action, was no longer employed by the Nevada Department of Corrections. (ECF No. 6 at 1). The Attorney General's Office explained that it could not

1 appear on Defendant Zieman's behalf because it had not received a request for representation
2 from him. (*Id.*).

3 In light of the Attorney General Office's notice, the Court now orders the Attorney
4 General's Office to send a letter to Defendant Zieman at his last known address informing him
5 that he is a defendant in this lawsuit. In that letter, the Attorney General's Office shall ask
6 Defendant Zieman if he would like the Office to represent him in this matter. Within 30 days
7 from the date of this order, the Attorney General's Office shall file an updated notice with the
8 Court informing the Court whether it will be entering a limited notice of appearance on behalf
9 of Defendant Zieman for the purpose of settlement in light of that letter.

10 If the Attorney General's Office enters a limited notice of appearance on behalf of
11 Defendant Zieman for the purpose of settlement, the Court shall schedule an early inmate
12 mediation conference. However, if the Attorney General's Office notifies the Court that it will
13 not be entering a limited notice of appearance in light of its communication with Defendant
14 Zieman, the Court will issue an order that: (1) removes this case from the early inmate
15 mediation program, (2) rules on the application to proceed *in forma pauperis*, and (3) begins
16 the service process with the U.S. Marshal's Office.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the Attorney General's Office shall
19 send a letter to Defendant Zieman at his last known address informing him of this lawsuit and
20 asking whether he seeks to have the Office represent him in this lawsuit.

21 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
22 Attorney General's Office shall file an updated notice with the Court informing the Court about
23 Defendant Zieman's representation status.

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1 IT IS FURTHER ORDERED that, within 30 days from the date of this order, the
2 Attorney General's Office shall advise the Court whether it will enter a limited notice of
3 appearance on behalf of Defendant Zieman for the purpose of settlement. No defenses or
4 objections, including lack of service, shall be waived as a result of the filing of the limited notice
5 of appearance.

6 IT IS FURTHER ORDERED that, if this case remains in the early inmate mediation
7 program, the Court extends the 90-day stay and the deadline for the 90-day stay status report
8 until 5 days after any scheduled mediation.

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10 DATED: This 16th day of June, 2016.

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14 NANCY J. KOPPE
15 United States Magistrate Judge
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